IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 15859 of 2001

Between:
The Member Secretary, A.P.State Legal Services Authority,
High Court Buildings, Hyderabad. ..
PETITIONER

AND

1 The Registrar of Companies ,
2nd floor, Kendriya Sadan,Sultan Bazar, Hyderabad.
2 The Commissioner & Inspector of Registration and Stamps,
Govt. of A.P., Hyderabad
3 The Secretary to the Govt. of A.P., Revenue Department.,
Secretariat, Hyderabad.
4 The Managing Director/Authorised Officer, A.P.Legal Services (P) Ltd.,
H.No.3-5-155 to 161, Flat Noo.102/503, Premier Plaza Apart Near Water
Tank,Narayanaguda, Hyderabad
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, or a writ, more particularly one in the nature of Writ of Mandamus calling for remarks and records from the respondents herein, in and connected to, 1. Change of name of one organisation by name A.P.Legal Services Private Limited incorporated under the provisions of the Companies Act, 1956, identical to the name of A.P. State Legal Services Authority, causing much confusion and inconvenience misleading the general public; 2.In action of the Respondents Nos.1 to 3 herein in taking action for change of name on the complaint made by the petitioner herein on 28-8-2000 in ROC.NO.6063/LCA/2000; and to pass orders directing the concerned authorities to take necessary steps for changing the name of the above said organisation to avoid further

inconvenience to the general public, and to pass such order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.S.S.Kumar

Counsel for the Respondent Nos. 1 and 2: None appeared.

Counsel for the Respondent No.3: GP FOR REVENUE

Counsel for the Respondent No.4: Mr. C.V. Mohan Reddy

The Court made the following Oral Order : (per Sri Devinder Gupta, CJ)

Under the provisions of the Companies Act, 1956, the 4th respondent-company was incorporated under the name and style of A.P. Legal Services Private Limited. The Member Secretary, A.P. State Legal Services Authority, Hyderabad, submitted a representation to the Registrar of Companies on 20.8.2000 which was received in the office of the Registrar of Companies on 20.9.2000 vide R.O.C. No. 6063/LSA/2000 pointing out that the name of the company is similar and identical to the Authorities constituted under the Legal Services Authorities Act, 1987 and it being not in consonance with the provisions of the Companies Act, 1956, directions deserves to be issued to the respondent No.4 to carry out necessary changes in its nomenclature. When no action was taken, this writ petition was registered as taken up petition. Though, Rule was issued, respondents have failed to file any reply till date. Case is already on the hearing Board.

Learned counsel for the respondent No.4 has drawn our attention to a copy of the application alleged to have been submitted by the 4th respondent to the 1st respondent for change of its name. It is stated that Respondent No.4 sent this application on 3.9.2001 proposing to change its name to A.P. Legal and Arbitration Services (P) Ltd. It is also stated that

despite receipt of this request, no action has been taken by the 1st respondent.

We have heard the learned counsel for the respondent No.1. Though, he states that counter has been filed, but, we do not find from the record any counter affidavit. He states that since the petitioner-Authority is not incorporated under the Act as a company with the Registrar of Companies, there is no embargo for the 1st respondent to register the 4th respondent as a company.

We do not find any force in the submission made by the learned counsel for the 1st respondent. Section 20 of the Companies Act, 1956 prohibits a company to be registered by name, which in the opinion of the Central Government is undesirable. Only Sub-section (2) of Section 20 says that there cannot be registration of another company by name, which is identical with, or too nearly resembles the name of a company in existence, which has previously been registered.

We are not concerned here with the name, which is identical or too nearly resembles the name of the petitioner Authority. But, the question before us is about the propriety of the company being registered with such a name, which too nearly resembles the name of the Authorities constituted under the Act of Parliament. The Legal Services Authorities Act, 1987 (for brevity 'the Act') was enacted by Parliament and it has been amended from time to time. Under the Act, various Legal Services Authorities had been constituted, namely, National Legal Services Authority constituted by the Central Government, which has got statutory powers and functions to be performed. Similarly, there are State Legal Services Authorities to be

constituted by every State and such Authorities are a body to be called Legal Services Authority under the State. Besides the National Legal Services Authority constituted by the Central Government and various Legal Service Authorities constituted for various States, there are Legal Services Committees such as Supreme Court Legal Services Committee, High Court Legal Services Committee, Taluk Legal Services Committee etc. Even at the District Level also, the State Government has to constitute various Legal Services Authorities. The Act was brought under the Statute Book with an objective to constitute Legal Services Authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing Justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

Any company which is sought to be incorporated under the provisions of the Companies Act, 1956, in case its nomenclature will be identical or too nearly resembles the name of any of the Authorities constituted under the Act or Committees constituted under Act No. 39 of 1987, would be covered by Sub-Section (1) of Section 20 that such name is undesirable and for that Respondent No.1 has to apply his mind and exercise his discretion and shall ensure that the name is not identical with or too nearly resembles. Thus, it will be for the 1st respondent to take immediate steps to consider the application of the 4th respondent for change of name. We need not at this stage make any observation as to the proposed name, but, it will be for the 1st respondent to exercise his discretion based on sound principles of law with

regard to change of name.

In the circumstances, we dispose of the writ petition with a direction to the respondent No.1 to pass appropriate orders on the application of the 4th respondent in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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DEVINDER GUPTA, CJ

Date: 20th September, 2004

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B. SESHASAYANA REDDY,J

Pnb

To

1 The Registrar of Companies ,
2nd floor, Kendriya Sadan,Sultan Bazar, Hyderabad.

2 The Commissioner & Inspector of Registration and Stamps,
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3 The Secretary to the Govt. of A.P., Revenue Department.,
Secretariat, Hyderabad.

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Tank,Narayanaguda, Hyderabad.

5. Two C.Cs. to the Government Pleader for Revenue, High Court
Buildings, Hyderabad. (OUT)

6. Two C.D. copies